

**ORDINANCE NO. 10
SERIES 2019**

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 8 OF
TITLE 4 OF THE VAIL TOWN CODE, REGARDING SOLICITATION**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Chapter 8 of Title 4 of the Vail Town Code is hereby repealed in its entirety and reenacted to read as follows:

**CHAPTER 8
SOLICITATION**

4-8-1: DEFINITIONS

For purposes of this Chapter, the following terms shall have the following meanings:

CRIMES OR ACTS OF VIOLENCE AGAINST THE PERSON: Homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery, and other similar felonies involving moral turpitude.

CRIMES OR ACTS OF VIOLENCE AGAINST THE PROPERTY OF ANOTHER: Theft, burglary, breaking and entering, larceny, and other similar felonies involving moral turpitude.

SOLICITATION: To enter or remain upon any private property in the Town, not having been requested or invited by the occupants thereof for the purpose of contacting said occupants to solicit the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift or donation of any kind; or to occupy public property for the purpose of contacting passersby to solicit the immediate or future purchase or sale of goods, services or any other thing of value, or to solicit a gift or donation of any time; provided, however, that solicitation does not include political canvassing, political advocacy, or religious proselytizing.

4-8-2: SOLICITATION:

A. Permit Required. No person may engage in solicitation in the Town without first obtaining a solicitation permit. Each permittee shall carry the solicitation permit and his or her personal identification at all times while engaging in solicitation and shall present such identification and permit upon request of any person. Permits may not be transferred from person to person.

B. Application. Each applicant for a solicitation permit shall file with the Town Clerk an application including the following information, in addition to the application fee established by resolution of the Town Council:

1. The full name, residence address, mailing address, and telephone number of the applicant;

2. A description of the applicant, including height, weight, eye color, and hair color;

3. The number and state of issuance of any state-issued identification card issued to applicant, including a state motor vehicle operator's license or chauffeur's license;

4. A brief explanation of the nature of the merchandise to be sold or other activity requiring a solicitation permit under this Article; and

5. An authorization for the Town Clerk to conduct a background check of the applicant.

C. Grounds for Denial. Unless the Town Clerk finds grounds for denial, the Town Clerk shall issue the solicitation permit within seven (7) days of receipt of a complete application. The Town Clerk may deny the application for the following reasons:

1. Failure to comply with any provision of this Code;

2. Felony convictions for crimes against the person or property of another, or institutionalizations for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalizations occurred within five (5) years preceding the date of application; or

3. Convictions of any crime committed while engaged in solicitation in the Town.

D. Notice and Appeal. If the Town Clerk denies the application, the Town Clerk shall notify the applicant in writing, stating the reasons for the denial, and shall mail such notice by regular United States mail to the address provided on the application. Within seven (7) days of the date of mailing such notice, the applicant may file a written request for an appeal to the Town Manager. The Town Manager shall hear and decide such appeal within thirty (30) days of receipt of the appeal request. At the appeal, the applicant shall be entitled to be heard and present evidence. The Town Manager's decision on the appeal shall be final, subject to judicial review.

E. Expiration. Each permit shall expire one (1) year from the date of issuance.

F. Revocation. If after issuance of a permit, the Town Clerk finds that any of the grounds stated in subsection (C) hereof exist, the Town Clerk shall revoke the permit and provide written notice to the permittee of such action. The permittee may appeal the Town Clerk's decision in the manner set forth in subsection (D) hereof.

G. Permissible Times. Solicitation is prohibited before 8:00 a.m. or after the later of 8:00 p.m. or sunset, as announced and published by the National Weather Service daily.

H. Signage. Any person may post a sign on his or her property indicating that the owners or occupants do not wish to be disturbed by solicitation. Such sign shall state, "No Trespassing," "No Solicitors," or other similar message indicating that door-to-door solicitation is not authorized, and shall not exceed two and one-half (2½) square feet in area. Such sign shall be allowed in addition to the number and types of signs permitted by Title 11 of the Vail Town Code. Solicitation at any property at which such a sign is posted is a violation of this Chapter.

I. Public Streets and Rights-of-Way. No person shall conduct any solicitation on or in any public street or right-of-way in the Town, provided that this subsection shall not apply to persons selling taxicab or pedicab services or horse drawn conveyance rentals on the streets or rights-of-way in the Town where such vehicles are permitted to operate.

4-8-3: DOOR HANGERS:

No person other than a Town employee shall fasten or deposit in any manner any notice, poster, or other advertising or promotional material upon private property, including personal property, without having permission to do so from the owners or occupants of such property. Permission to so fasten or deposit such materials shall be implied from the presence of an improved walkway, including a driveway, connecting such property directly to a public right-of-way, unless:

1. Access to such walkway is physically restricted by a fence, gate, or other permanent structure; or

2. A "No Trespassing" or "No Solicitors" sign or a sign conveying a similar message is posted on the property at a visible location.

4-8-4: VIOLATION AND PENALTY:

It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be punished as provided in Section 1-4-1 of this Code.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The amendment of any provision of the Vail Town Code in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 4. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED
PUBLISHED ONCE IN FULL ON FIRST READING this 2nd day of June 2019 and a public
hearing for second reading of this Ordinance is set for the 16th day of June, 2019, in the
Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 16th day of June, 2019.

Dave Chapin, Mayor

ATTEST:

Tammy Nagel, Town Clerk